

Application No. 10/728.615
Amdt. Date June 18, 2006
Reply to Office Action dated December 19, 2005

plunger about 90 degrees when in its retracted position allows the plunger to rest on ~~shoulder~~ spacer 102. This enables a smooth rotation of arm 20. Releasing the plunger 74 back to its rest position locks the arm 20 in its new position. Other types of commercially available plungers would also satisfactorily perform this function.

Remarks/Arguments

Claim Objections:

Items 1 – 10
Claims 1, 2, 7, 17, 20 corrected as requested.

Claim 12 – cancelled
Claim 27 – cancelled

Claim Rejections – 35 USC 112

- 12. Claim 3 – cancelled
- 13. Claim 5 – cancelled
- 14. Claim 8 – dependency changed to resolve antecedent issue.
- 15. Claim 14 – the specification amended to use the correct terminology.

Claim Rejections 35 USC 102(b)

As stated in *W. L. Gore Associates v Garlock*, 721 F.2d 1540 “anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration”.

Lindemann Maschinenfabrik GMBH v American Hoist and Derrick Co, 730 F.2d 1452, states: “anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged* as in the claim”

Lscripps Clinic & Research Found v Genentech inc., 927 F.2d 1471 states: “There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention”

Patent 5,267,750 ('750)

Claim 1: amended

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Claim 5: cancelled

Claim 7:

The spring loaded latch 190 shown in '750 patent is not a fastener that would function in the void defined by the extension 34 of this invention.

Claim 9:

The spacer 38 of this invention is not in '750 patent. As for the fastener, same comments as in Claim 7 apply.

Claim 14:

The "extension" 193 referred to in the Office Action is a spring loaded latch in '750 patent as is 190 (column 9)

Claim 15:

'750 patent does not disclose lockable spring plunger.

Claim 16, 20-23: cancelled

Claim 17: '750 discloses a spring loaded latch 190 and not a lockable hinge.

Claim rejections: 35 USC 103(a)

17.

Relying on MPEP (8h Edition) 706.02(j)(A)(B)(C)(D) for standards of obviousness:

The Office Action does not:

1. Set forth the difference or differences in the claim over the applied reference(s).
2. Set forth the proposed modifications of the applied references necessary to arrive at the claimed subject matter.
3. Set forth an explanation why one of the ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification.

Moreover, the reference 2,760,782 ('782) lists items which are not found in the present invention whatsoever: bearing member 34, end flanges 35, bolts or screws 36, shaft 36', forwardly extending arm 37, bifurcated bearing members 38 rotatably mounted on the transverse shaft 39, hub 40 having a first bore 41 and a

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second enlarged bore 42, a pin 43 slidable through bores 41 and 42, shoulder 45, a pin with an enlarged head 46, a coil spring 47, links 48 and 49, etc. These elements are not present in this invention and there is no suggestion in the reference to modify the reference to arrive at the present invention.

18. Relying on MPEP (8h Edition) 706.02(j)(A)(B)(C)(D) for standards of obviousness:

The Office Action does not:

4. Set forth the difference or differences in the claim over the applied reference(s).
5. Set forth the proposed modifications of the applied references necessary to arrive at the claimed subject matter.
6. Set forth an explanation why one of the ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification.

Moreover, the screw threads in 4,735,425 ('425) are a portion of the lock pin 36 that further embodies the curled exterior portion 48 on the head of the lock pin that allows to user to turn the lock pin for interlocking and unlocking the threaded components of the pin and the block. This is quite different from the function the screw performs in this invention.

The Office Action states, but does not give the source of the holdings regarding the 180 degrees optimization and the forming in one piece of two pieces.

Respectfully submitted,



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